



City of Dayton, Ohio  
Division of Purchasing

**For Public/Private Partnership to Operate and Expand an  
Optical Fiber Network**

REQUEST FOR PROPOSAL (RFP) No. 12057D

August 2012

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## SECTION 1 PROPOSAL INSTRUCTIONS

### 1.1 COMMUNICATIONS REGARDING THIS PROJECT.

Please direct all communications regarding the RFP Process to:

City of Dayton, Office of Economic Development  
Timothy S. Downs  
101 West Third Street  
Dayton, Ohio 45402  
Telephone: (937) 333-3621  
Fax: (937) 333-3827  
E-Mail: [timothy.downs@daytonohio.gov](mailto:timothy.downs@daytonohio.gov)  
Subject: Dayton Fiber PPP RFP

All communications/questions concerning this RFP must be submitted in writing referencing the specific paragraph and page number. The deadline for questions is listed in Section 1.02 (RFP Schedule). Written responses will be prepared by the City and posted on the city's web site by the date listed in *Section 1.02*. Changes to this RFP will be made only by formal written correspondence issued by the City.

Proposers shall not communicate with anyone from the City of Dayton regarding this RFP except as specifically provided within the documents, from the time of release of the solicitation until an award has been made. Failure to do so may result in disqualification.

A copy of this proposal and additional documentation may be found at the City of Dayton's website at: [www.daytonohio.gov/bid](http://www.daytonohio.gov/bid)

### 1.2 RFP SCHEDULE.

The following is the anticipated schedule for the RFP Process:

Issue RFP	9 August 2012
Proposers Deadline to Submit Questions:	16 August 2012
City's Written Responses to Questions:	23 August 2012
Due Date and Time for Proposals:	6 September 2012 at 5:00pm E.S.T.
Interviews/Presentations from Selected Vendors	September 17 and 18, 2012

The City anticipates announcing its selection of the winning proposal the week of September 24, 2012

### 1.3 SUBMITTING A PROPOSAL.

Each Consultant seeking consideration for performance of services related to the project must submit a Proposal. Proposers are to submit one original copy signed by an officer authorized to bind the company and one electronic copy of the written proposal. Proposals should include simple binding (i.e. paper clips, staples). The City prefers proposals without any special covers or binding. All proposals shall be properly addressed with the name of the Consultant and sent to:

**RFP No.12057D For Public/Private Partnership to Operate and Expand an Optical Fiber Network**  
City of Dayton, Office of Economic Development  
Attn: Timothy S. Downs  
101 West Third Street  
Dayton, Ohio 45402

Proposals must be received at the above address by the date and time indicated in Section 1.02 (RFP Schedule). Proposals received after the scheduled date/time will not be considered. All supporting materials and documentation must be included with the proposal. The responsibility of timely delivery lies solely with the proposer.

The City reserves the right to reject any and all proposals, to waive any irregularities in a proposal, or to accept the proposal(s) which in the judgment of proper officials, is in the best interest of the City. The City reserves the right to accept a part or parts of a proposal unless otherwise restricted in the RFP, and to issue subsequent Requests for Proposal. The City reserves the right to approve or reject any sub-consultants proposed for work under this proposal or waive any minor irregularities

The City reserves the right to select the successful proposer on the basis of proposals received, without seeking further information or clarification from proposers. Upon review of proposals, the City may designate the most qualified proposals as finalists. These finalists may be invited to make oral presentations and participate in a question and answer session with the City. The City shall have the right to visit selected user sites, should this be deemed necessary.

All federal, state, and local laws regarding competitive bidding, anti-competitive practices, and conflict of interest shall be applicable to this RFP.

The City does not guarantee that any contract will be awarded as a result of this RFP. In the event that a contract award is made but the contract is not executed, the City does not guarantee that the contract will be re-awarded.

#### **1.4 REQUIRED PROPOSAL CONTENTS.**

All brochures and supplemental documentation shall be included with the original and all of the copies. If not, the proposal may be considered as non-responsive. Consultants are required to submit the following information in their proposal:

- **Letter of Transmittal:** The proposer shall complete the transmittal letter with authorizing signature for the proposal. The letter must be on the form provided in Exhibit A.
- **Proposal Response** as per Section 2.
- **Statement of Exceptions to RFP requirements:** Provide a detailed description of any exceptions taken to the requirements of this RFP, including the City Standard Terms and Conditions in Section 3. Exceptions shall be referenced to the applicable RFP section/sub-section numbers. Any other departures from the city's RFP are to be identified and failure to do so shall make the proposal non-responsive.
- **References:** Provide a list of references on form provided as Exhibit B. We are particularly interested in contacting your governmental clients in the state of Ohio.
- **Declaration Regarding Material Assistance/Non-Assistance to a Terrorist Organization ("DMA").** Please complete the form provided as Exhibit C.

#### **1.5 ITEMS THAT MAY DISQUALIFY A VENDOR IMMEDIATELY.**

- Incomplete or non-responsive proposal
- Failure to follow the requirements outlined in this proposal
- Inability to obtain Affirmative Action Assurance approval prior to award of the contract. See Section 3.06 for information on how to contact the Human Relations Council.

## **1.6 CRITERIA.**

Each proposal submitted will be subjectively evaluated on the basis of certain select criteria, including but not limited to experience with the proposed type of project, likelihood of success, proposed partnership arrangement, and potential revenue/benefit to the City. After receipt and review of the written proposal, the City may elect to have the proposal presented in person, or clarifications submitted in writing.

## **1.7 ADDITIONAL ITEMS TO BE ADDED IF NECESSARY**

All Consultants submitting a proposal will be notified, upon final determination by the City, of the firm selected to perform the requested work.

## **SECTION 2 SCOPE OF PROJECT**

### **2.1 PURPOSE AND NEED / PROJECT DESCRIPTION.**

The City of Dayton (“City”) is seeking one or more strategic partners to enter into a public/private partnership (“PPP”) to maximize the City-owned optical fiber network (“network”) in Dayton. Any strategic partnering arrangement must complement Dayton’s strengths and assure that the City and its constituents gain full advantage of competition in the telecommunications market.

The purpose of this Request for Proposal (RFP) process is to identify, evaluate, negotiate with, and select one or more potential strategic partners. The strategic “partnerships” may take the form of contractual service arrangements, or other types of arrangements.

The City’s goal is to use the existing network as it is currently configured. Any expansion of the network would need to be funded by the proposer.

### **2.2 BACKGROUND INFORMATION.**

Dayton, Ohio is located near the intersection of Interstate I75 and I70, the “Crossroads of America,” giving it access to one of the most highly traveled intersections in the United States. In fact, Dayton is within 600 miles of 53% of the U.S. population and within a 90-minute flight of 55% of the country’s population. Dayton is within a 60-minute drive of Columbus and Cincinnati and a 90-minute drive of Indianapolis.

Known as the Birthplace of Aviation, Dayton features a fantastic array of big-city amenities coupled with mid-western charm and hospitality. Dayton has terrific attractions and historical sites, fantastic arts venues, a thriving downtown area, beautiful parks, a variety of sporting sites and fabulous shopping and dining .

In April 2010, the City completed its Broadband Strategic Plan. This citywide connectivity plan was developed to ensure that Dayton is leveraging improvements in broadband technologies and taking advantage of other regional broadband initiatives, which will improve the City’s service delivery, manage and lower long-term costs for required, internal broadband services and provide economic development tools necessary to attract and retain 21st Century economic development opportunities. This document is available upon request.

### **2.3 THE CITY’S OPTICAL FIBER NETWORK.**

The City owns and operates an optical fiber network throughout the city (shown on Exhibit 1), consisting of approximately 78 route miles, as well as an Internet exchange switch. The network is comprised of single mode and multi-mode fiber that is in place in underground conduit and strung aerially along utility poles. The fiber has been installed over time for various reasons and through various funding sources.

Most of the fiber routes (depending upon location) have at least some "dark" (unused) fiber. This excess capacity can be utilized by the City for other municipal purposes and the City wishes to explore making it available to other parties for non-municipal purposes. Exhibit 1 roughly illustrates the City's current optical fiber assets. Additional informational resources with specific details regarding the fiber are available upon request.

In addition to publicly-owned fiber, there currently exists a unique piece of connectivity in the Dayton Metropolitan area that could be leveraged as part of any proposal. In 2001, a group of technology leaders in the Greater Dayton area worked to create what has become known as the Dayton Metropolitan Internet Exchange ("DMIX").

The DMIX essentially is an Internet switch or "point of presence" that includes a telecommunications/data system that has specific limited reach throughout portions of the Dayton Metro area. The intent was to create a municipal area network that would allow local business entities, government agencies, and non-profits to connect into and operate on a local IP network rather than having to send their traffic through the nationwide and regional Internet clouds in order to reach their destinations. The ultimate objective of the DMIX was to enable and encourage economic development through technology within the Dayton area.

The City now owns and operates the DMIX.

## **2.4 GOALS**

As a general objective, the City desires to leverage its existing fiber assets by providing optical fibers to a third party provider so that the third party provider can increase the network coverage and leverage the City's telecommunications investment. Among the types of entities that Dayton believes would be successful participants in this project are: ISP's (retail and/or wholesale), competitive and incumbent local exchange carriers, and data centers.

The City's specific objectives include the following:

- Enhance economic development opportunities throughout the city by offering access to high-speed broadband services
- Increase the value of, and cost-effective access to, the network by Dayton businesses and anchor institutions;
- Encourage telecom providers to connect to the network to manage and deliver their services to Dayton businesses and anchor institutions;
- Maximize the efficiency of fiber strand allocation throughout the entire network;
- Encourage the availability of new and advanced services from ISPs and other service providers;
- Facilitate secure connectivity to new service providers and ISPs with specialized network connections to vertical markets, communities, and regional medical and educational networks.
- Streamline internal City operations by connecting City facilities to the City's network;
- Pursue financial arrangements with the selected offeror to improve the value, quality and use of the City's fiber network, reduce the cost to provide public services or increase the City's

revenues, in exchange for access to the use of the fiber network or other innovative approaches that mutually benefit the partners.

## **2.5 SCOPE OF WORK / PROJECT REQUIREMENTS.**

With the objectives of attracting new business to the City, creating new revenue opportunities for the City, and enabling the City to maximize its fiber investment, the City seeks to explore a public private partnership with an experienced and proven telecommunications company. The City desires a solution that will allow for a carrier-neutral offering connecting multiple carriers to our fiber assets that will result in new ISP and technology service offerings, and also provide instant access to all of the services currently provided by these carriers. In other words, the City desires and expects the network to be operated on an open-access basis.

The solution must also include the development and implementation of a messaging and go-to-market strategy to drive awareness of the advantages of utilizing the joint assets and doing business in Dayton.

Dayton seeks a revenue sharing model where both parties are incented to work closely together to grow revenues and share profits.

### **Requirements.**

The winning bidder:

1. Must be a telecommunications/data service provider.
2. Must have at least 5 years of experience in service provisioning and 3+ years in fiber management in a public/private partnership.
3. Must have financials that were independently audited within the last 2 years,
4. Will preferably be Ohio-based company headquartered in Ohio, but must be qualified to do business in Ohio.
5. Will preferably have proven economic development strategies using fiber optics to bring economic opportunity to cities.
6. Must have experience with, and references from, a wireline public/private partnership.
7. Will preferably have experience in operating an Internet peering network.
8. Must have certifications on staff and for the company.
  - a. Vendors: Cisco, Brocade, Juniper, and/or others.
  - b. Industry Standard: BICSI for wiring and SSAE 16 for process.
9. Must be carrier-neutral and have experience with operating and maintaining a facilities-based telecommunications/data network.

### **General Questions:**

1. Provide a brief overview of your proposal.

2. Describe the type and size of network(s) that you own/operate.
3. Do you propose to engage additional partners/contractors on this project? If so, please describe in detail.
4. Describe how you propose to split duties between you and the City of Dayton.
5. What is the proposed timetable for services deployed on fiber?
6. Describe how you would market lit and dark fiber, and to whom.
7. Describe your existing customer service operations.
8. Demonstrate how you will work with the City to attract companies into the area and provide an example of your experience doing so.
9. Provide an example of where you have worked with public sector entities to successfully further economic development.

**Technical:**

1. Describe your proposed approach with regard to provision of lit vs. dark fiber.
2. Describe in general terms your technical approach with regard to deployment/construction of network extensions.
3. What size and scope of network deployment do you propose to install?
4. Please describe a scenario where you have built a custom network using dark fiber.
5. Please describe your relationships with and expertise involving key providers of technical facilities, including fiber optic cable, optronic equipment, routers and other electronic equipment, and any other relevant technical relationships.

**Financial:**

1. What is the direct financial incentive for the City of Dayton to engage with you?
2. What is the direct financial incentive for you to undertake this project?
3. Describe one or more proposed models by which the City and your company can accomplish our respective financial objectives, including revenue-sharing or other approaches.
4. To the extent not addressed in your response to Question 3, what financial investments do you expect the City to make?
5. How will your solution lower the cost of services for Dayton-area businesses and for City network operations?
6. What upfront capital investment do you propose to make, if any? If unable to state with specificity, describe your vision for how upfront capital investment will be determined and allocated as between the City, your company, and others if applicable.



7. What ongoing capital investment and operating costs do you expect to incur? If unable to state with specificity, describe your vision for how ongoing capital investment and operating costs will be determined and allocated as between the City, your company, and others if applicable.
8. Timing of capital. When is payment or deployment expected?

## **2.6 ALTERNATIVE APPROACHES**

The City encourages creativity in responses to this RFP. Notwithstanding the assumptions and stated requirements set forth in this RFP, the City will consider any proposal that effectively accomplishes the City's objectives as stated in Section 2.5.

## **2.7 WORKING WITH DAYTON.**

The City expects to work with the winning provider to:

- Identify existing businesses' telecommunications needs and to propose cost-effective solutions addressing those needs.
- Research the telecommunication needs and opportunities of businesses that may seek to relocate to Dayton.
- Explore opportunities to provide service to the Dayton Public Schools.

## **2.8 CURRENT OR POTENTIAL CONFLICTS**

Please disclose any current or potential conflicts of interest that could limit your ability to perform your proposal.

# **SECTION 3 REQUIREMENTS AND CONDITIONS FOR ALL PROPOSERS**

## **3.1 TAX EXEMPTION.**

All items purchased under this contract will be exempt from the State of Ohio Sales Tax as provided for in Section 5739-02(b)(1) of the Revised Code of Ohio, and will be exempt from the State of Ohio Use Tax, Section 5741.02(C)(2). Blanket Certification of Exemption Forms will be furnished to the Proposer by the Division of Purchasing.

## **3.2 PROPOSER AFFIDAVIT.**

If the successful proposer should be a corporation not incorporated under the laws of the State of Ohio, a certificate from the Secretary of State showing the rights of the successful proposer to do business in the State of Ohio shall be furnished. Each proposer is required to submit with their bid, an Affidavit stating that neither the proposer nor agents thereof, nor any other party of the proposer has paid or agreed to pay directly or indirectly, any person, firm or corporation, any money or valuable consideration for assistance in procuring or attempting to procure the contract herein referred to, and further agreeing that no such money or reward will hereafter be paid.

## **3.3 PROCUREMENT ENHANCEMENT PROGRAM.**

It is the policy of the City to promote full and equal business opportunity to all persons doing business with the City. The City must ensure that businesses seeking to participate in contracting and procurement activities with the City are not prevented from doing so on the basis of the race or gender of their owners. The City is committed to ensuring that it is not engaged in passive participation in any form of

discrimination. (R.C.G.O. Section 35.32) It is the City of Dayton's position to encourage the greatest participation possible on all projects connected with any aspect of the City's auspices through the Procurement Enhancement Program (PEP). All contractors are encouraged to review the list of Minority, Women and Small Businesses at [www.daytonohio.gov/departments/hrc](http://www.daytonohio.gov/departments/hrc) for certified subcontractors.

### **3.4 PROPOSER'S FINANCIAL OBLIGATION TO THE CITY.**

No proposal may be accepted or contract awarded to any person, firm or corporation that is in arrears or in default to the City, or that is a defaulter of surety or otherwise upon any obligation to the City, or has failed to perform faithfully any previous contract with the City.

### **3.5 PROPOSER'S INCURRED COSTS.**

Each proposer shall be responsible for all costs incurred in preparing a response to this RFP. All materials and documents submitted by the proposer in response to this RFP shall become the property of the City, and shall not be returned. Respondents selected for further negotiations, as well as the proposer ultimately selected to enter into a contractual agreement with the City, shall be responsible for all costs incurred by it during negotiations.

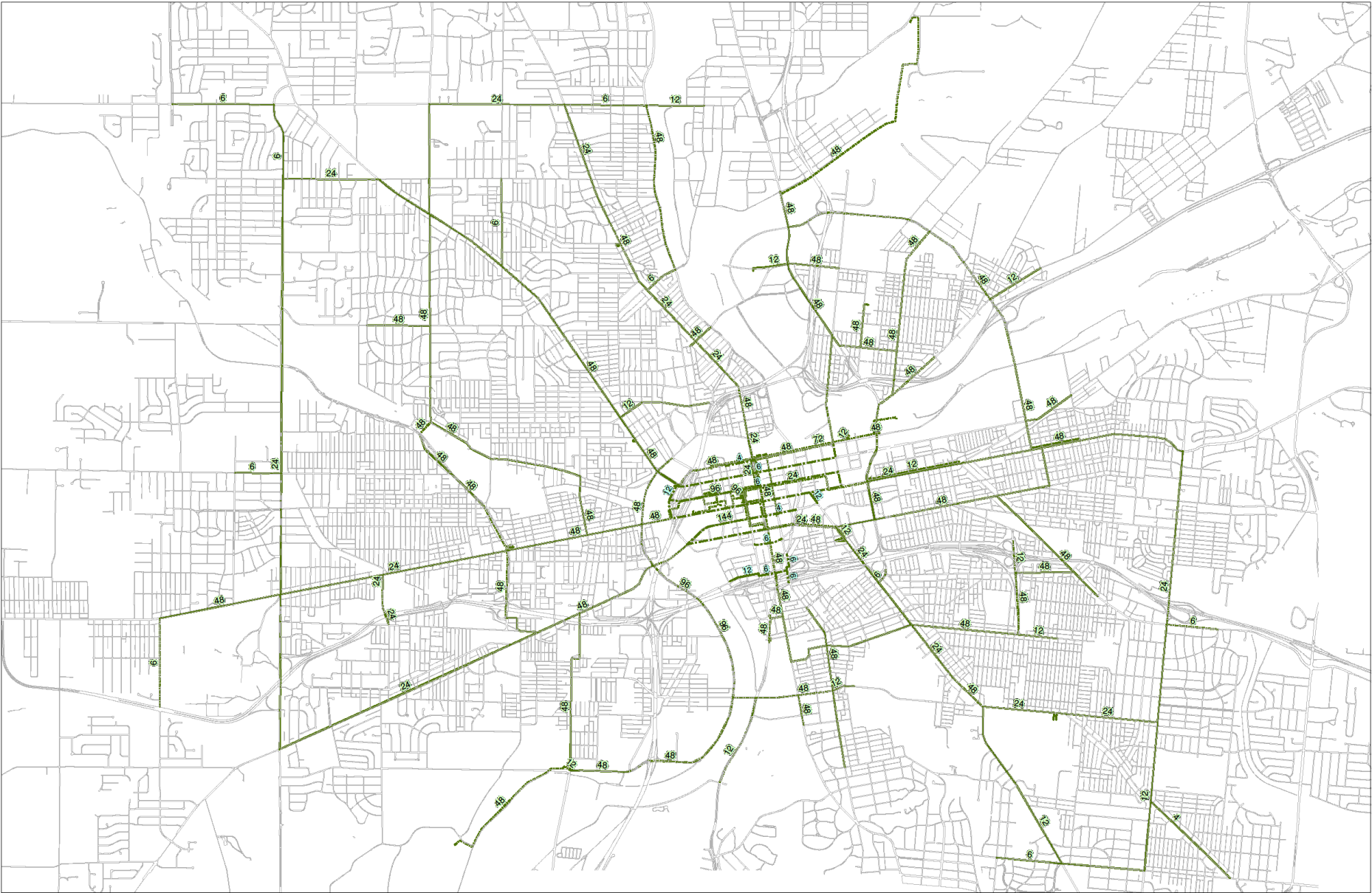
### **3.6 AFFIRMATIVE ACTION ASSURANCE (AAA).**

The selected Consultant must file an Affirmative Action Assurance form ("AAA Form") with the City's Human Relations Council (HRC) and obtain approval from HRC to do business with the City. You may contact the HRC for the Rules and Regulations, and the AAA Form required of vendors of the City, at:

Human Relations Council  
371 West Second Street, Suite 100  
Dayton, Ohio 45402  
(937) 333-1413 (Office)  
(937) 222-4589 (Fax)

Failure to maintain a current AAA Form on file with the HRC may result in termination of the contract and/or denial of future contract awards from the City. The AAA Form must be filed annually.

Exhibit 1 – Dayton Optical Fiber w/ Approximate Strand Count





City of Dayton, Ohio  
Office of Economic Development  
**Public/Private Partnership to Operate and Expand an Optical Fiber Network**  
RFP No. 12057D  
August 2012

## EXHIBIT A – LETTER OF TRANSMITTAL

The undersigned hereby certifies that items furnished as a result of this proposal will be in full accordance with the City of Dayton specification applying thereto unless exception are stated above.

The Proposer's name and address exactly as it would appear in a contract:

Entity Name: \_\_\_\_\_

Street Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

Proposer's Phone Number: \_\_\_\_\_

Proposer's Fax Number: \_\_\_\_\_

Proposer's E-mail Address: \_\_\_\_\_

**Form of Ownership**    ☐ Sole Proprietorship    ☐ Franchise    ☐ Partnership    ☐ Corporation  
                                 ☐ Joint Venture    ☐ LLC    ☐ Other (Specify): \_\_\_\_\_

If a corporation, state of incorporation: \_\_\_\_\_

Federal Identification Number (or SSN if sole proprietorship): \_\_\_\_\_

**Please include your IRS Form W9 with your proposal.**

I certify the proposing entity complies with City of Dayton Ordinance #30829-09 and the City's Revised Code of General Ordinances Section 35.70 through 35.74 regarding Living Wages.    ☐ Yes    ☐ No

SIGNATURE: \_\_\_\_\_

PRINTED NAME AND TITLE: \_\_\_\_\_

By signing this page, you state that you are an authorized representative, and have reviewed and are presenting this proposal on behalf of your business entity. Please continue completing this exhibit on the next page.

**EXHIBIT A – LETTER OF TRANSMITTAL (continued)**

**COMPANY PROFILE AND BACKGROUND**

Name of Proposing Company: \_\_\_\_\_

Company's Primary Business - State the proposer's primary business, the number of years in the industry, and the number of employees assigned to these related activities:		
Primary Business	# of Years	# of Employees Assigned

If a corporation, state of incorporation: \_\_\_\_\_

Current Pending Lawsuits: Please provide any and all suits either with the City of Dayton or any other Municipalities and Government Agencies; including, but not limited to Federal, State, Local or other Municipalities and Governmental Agencies:

Local Office of Proposer: Office nearest to Dayton, Ohio: \_\_\_\_\_

Federal Identification Number (or SSN if sole proprietorship): \_\_\_\_\_  
\_\_\_\_\_

Key Personnel:

Name	Title	Contact Information: Mailing address, telephone number, fax number and email address	Designated as Primary Contact for the City of Dayton? YES / NO



City of Dayton, Ohio  
Office of Economic Development  
**Public/Private Partnership to Operate and Expand an Optical Fiber Network**  
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## EXHIBIT B – REFERENCES FOR PROPOSING COMPANY

Name of Proposing Company: \_\_\_\_\_

**List company names, addresses, and telephone numbers for at least three references presently or previously served by your Company for RFP No. 12057D. Do not use the City of Dayton as a reference.**

Company Name: \_\_\_\_\_

Address: \_\_\_\_\_

Contact Person: \_\_\_\_\_

Telephone Number: \_\_\_\_\_ Fax Number: \_\_\_\_\_

Email Address: \_\_\_\_\_

Company Name: \_\_\_\_\_

Address: \_\_\_\_\_

Contact Person: \_\_\_\_\_

Telephone Number: \_\_\_\_\_ Fax Number: \_\_\_\_\_

Email Address: \_\_\_\_\_

Company Name: \_\_\_\_\_

Address: \_\_\_\_\_

Contact Person: \_\_\_\_\_

Telephone Number: \_\_\_\_\_ Fax Number: \_\_\_\_\_

Email Address: \_\_\_\_\_



City of Dayton, Ohio  
Office of Economic Development  
**Public/Private Partnership to Operate and Expand an Optical Fiber Network**  
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**EXHIBIT C – DECLARATION REGARDING MATERIAL ASSISTANCE/NON-ASSITANCE TO A  
TERRORIST ORGANIZATION (“DMA”)**

To: Potential Service Providers and Suppliers to the City of Dayton

Subject: Declaration Regarding Material Assistance/Non-Assistance to a Terrorist Organization (“DMA”)

The State of Ohio has mandated that any person, company, or organization doing business with, or receiving funding from, a state agency or instrumentality in an annual aggregate amount of more than \$100,000 must complete a DMA. This includes those doing business with the City of Dayton.

Dayton’s Purchasing Division has determined that you, your company, and/or your organization may be affected and, therefore, requests compliance with the State of Ohio Homeland Security requirement. Please be advised that award of purchase orders or contracts may be pending compliance with these State of Ohio requirements.

Please completely execute the form listed on the City of Dayton’s Purchasing page at [www.DaytonOhio.gov/Bid](http://www.DaytonOhio.gov/Bid), titled “DMA State of Ohio Form” and return them to the City of Dayton Division of Purchasing. Failure to comply within a reasonable period of time or prior to award may result in the City’s consideration of alternative award recommendations.

You may obtain additional information from State of Ohio Homeland Security.

Sincerely,

Peter M. Hager  
Purchasing Agent